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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
13

14
15 PATRICIA MORENO,

16 Plaintiff,

17 v.

18 KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
19 Defendant.
20

No. 1:20-cv-01503-SKO

STIPULATION AND ORDER FOR
EXTENSION TO FILE DEFENDANT'S
OPPOSITION TO PLAINTIFF'S
OPENING BRIEF

(Doc. 19)

21 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social
22 Security (the "Commissioner"), shall have an extension of time to file her opposition to Plaintiff's
23 opening brief in this case. In support of this request, the Commissioner respectfully states as
24 follows:

25 1. Primary responsibility for handling this case has been delegated to the Office of
26 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

27 2. Defendant's response to Plaintiff's opening brief is due October 22, 2021.
28 Defendant has not previously requested an extension of time for this deadline.

1 3. The Region IX Office currently handles all district and circuit court litigation
2 involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and
3 Guam.

4 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively
5 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.
6 Most of the attorneys who handle program litigation cases have additional responsibilities, such
7 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the
8 work product of junior attorneys, conducting trainings, and participating in national workgroups.
9 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has
10 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-
11 assigned cases into their existing caseloads.

12 5. As of September 14, 2021, the Region IX Office has 404 district court briefs due
13 in the next sixty days in the jurisdictions it handles; at least 300 of these are due in the next thirty
14 days. In addition, the Region IX Office has nine appellate cases pending for briefing.

15 6. In addition to “program” litigation, the Region IX Office provides a full range of
16 legal services as counsel for the Social Security Administration, in a region that covers four states
17 (including the most populous state in the nation) and three territories. These other workloads
18 include employment litigation; civil rights investigations; bankruptcy matters; and requests for
19 legal advice on wide-ranging topics, including Regional office client requests for advice on
20 program issues, employee conduct and performance, reasonable accommodation, hostile work
21 environment, ethics, Privacy Act and disclosure, and torts. Because of the high volume of
22 program litigation cases, the Region IX Office has had to focus its efforts on processing only
23 other workloads that are subject to statutory, regulatory, and court deadlines.

24 7. The undersigned of counsel attorney, who is responsible for briefing this case, has
25 13 briefs due in district court cases over the next month, as well as well as absorbing the work of
26 an attorney who recently left the agency and internally miscalendared this case in the turnover of
27 their workload.

28 8. Due to the volume of the overall workload within the Region IX Office, neither the

undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete briefing by the current due date of October 22, 2021. Therefore, Defendant seeks an extension of 7 days, until October 29, 2021, to respond to Plaintiff's opening brief.

9. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until October 29, 2021, to file her opposition to Plaintiff's opening brief.

Respectfully submitted,

DATE: October 21, 2021

/s/ Harvey P. Sackett

HARVEY P. SACKETT

Attorney for Plaintiff

(as approved via email)

PHILLIP A. TALBERT

Acting United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

DATE: October 21, 2021

By /s/ Chantal R. Jenkins

CHANTAL R. JENKINS

Special Assistant United States Attorney

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ORDER

Pursuant to the parties' above stipulation (Doc. 19), IT IS HEREBY ORDERED that Defendant's response to Plaintiff's Motion for Summary Judgment shall be filed by no later than October 29, 2021. All other dates in the Scheduling Order (Doc. 15) shall be adjusted accordingly.

IT IS SO ORDERED.

Dated: October 22, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE